	ed States Patent A	nd Trademark Office	UNITED STATES DEPARTM United States Patent and T Address: COMMISSIONER OF P Washington, D.C. 20231 www.uspto.gov	rademark Office ATENTS AND TRADEMARKS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,645	05/01/2001	Charles L. Asbury	UW - Asbury	6607
7590 07/23/2002 Delbet J. Barnard BARNARD & PAULY, P.S. P.O. Box 58888 Seattle, WA 98138-1888			EXAMINER	
			VANORE, DAVID A	
			ART UNIT	PAPER NUMBER
			2881	
			DATE MAILED: 07/23/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Ť

4

				ŀ
		Application No.	Applicant(s)	
۹.		09/847,645	ASBURY ET AL.	_
s	Office Action Summary	Examiner	Art Unit	
		David A Vanore	2881	
	The MAILING DATE of this communication a or Reply	ppears on the cov r she	et with the correspondence add	ress
A SH THE - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR of SIX (6) MONTHS from the mailing date of this communication. the period for reply specified above is less than thirty (30) days, a reply period for reply secified above, the maximum statutory perior tre to reply within the set or extended period for reply will, by statu reply received by the Office later than three months after the mail ad patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, m apply within the statutory minimum of will apply and will expire SIX (6) ute. cause the application to becor	ay a reply be timely filed of thirty (30) days will be considered timely.) MONTHS from the mailing date of this cor me ABANDONED (35 U.S.C. § 133).	nmunication.
1)[]	Responsive to communication(s) filed on _	·		
2a)	This action is FINAL 2b)	This action is non-final.		
3) 🗌	Since this application is in condition for allo closed in accordance with the practice under	wance except for formal er <i>Ex parte Quayl</i> e, 193	l matters, prosecution as to the 5 C.D. 11, 453 O.G. 213.	e merits is
•	ion of Claims	on		
4)[[]	Claim(s) <u>1-19</u> is/are pending in the applicati			
e) []	4a) Of the above claim(s) is/are withd			
•	Claim(s) is/are allowed.			
	Claim(s) is/are rejected.			
7)∐ •)⊠	Claim(s) is/are objected to. Claim(s) <u>1-19</u> are subject to restriction and/c	or election requirement		
,	ion Papers			
	The specification is objected to by the Exami	ner.		
10)	The drawing(s) filed on is/are: a) ac	cepted or b) objected to	by the Examiner.	
	Applicant may not request that any objection to	the drawing(s) be held in a	abeyance. See 37 CFR 1.85(a).	
11)	The proposed drawing correction filed on	is: a) 🗌 approved b)	disapproved by the Examine	r.
	If approved, corrected drawings are required in	reply to this Office action.		
12)	The oath or declaration is objected to by the	Examiner.		
-	under 35 U.S.C. §§ 119 and 120			
-	Acknowledgment is made of a claim for fore	ign priority under 35 U.S	S.C. § 119(a)-(d) or (f).	
a)	□ All b) □ Some * c) □ None of:			
	1. Certified copies of the priority docume			
	2. Certified copies of the priority docume			
*	3. Copies of the certified copies of the pa application from the International See the attached detailed Office action for a li	Bureau (PCT Rule 17.2)	(a)).	Stage
	Acknowledgment is made of a claim for dome			application).
	a) The translation of the foreign language Acknowledgment is made of a claim for dome	provisional application h	as been received.	
Attachme	-			
1) 🗌 Noti 2) 🗌 Noti	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449) Paper No(s	5) 🔲 Noti	rview Summary (PTO-413) Paper No(ce of Informal Patent Application (PTC er:	

5

Application/Control Number: 09/847,645 Art Unit: 2881

•

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-18, drawn to a flow cytometer, classified in class 356, subclass 440.
- II. Claim 19, drawn to a method of determining the degree of polarization of radiation passing through a filter, classified in class 356, subclass 364.
 Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not use a filter in any way as recited by the claims to determine a degree of polarization of the scattered radiation. The subcombination has separate utility such as a method for determining the degree of polarization of light.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

*Application/Control Number: 09/847,645 Art Unit: 2881

هر ا

مي.

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Vanore whose telephone number is 703-306-0246. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on 703-308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-9797.

Bruce andum

BRUCE ANDERSON PRIMARY EXAMINER

dav July 22, 2002